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R E M A R K S

It is noted that the Examiner has requested restriction between Species I directed to Claims 1 through 12 and 15 to 19, and Species II directed to Claims 13 and 14.

Applicant hereby respectfully traverses the requirement for restriction with respect to Claims classified in Species I from those claims classified in Species II as indicated above.

In reviewing Claim 1, asserted to be classified in Species I, and Claim 13, asserted to be classified in Species II, it appears that Claim 1 and Claim 13 are directed to essentially the same invention which ought not be separately classified. The claims are directed to a door assembly and a door closer for use with a door wherein the door closer is concealed entirely within the door chamber. For this reason, it is Applicant's opinion that the claims do not require a separate or independent search as suggested in the Examiner's reasons for restriction. It is submitted that the search for examining claims classified in Species I and claims classified in Species II are overlapping and would necessarily require the search to be extended into the respective classes identified in the Examiner's action. The search for examining the claims classified in Species I would inherently require any search therefore to be extended to the

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class and sub-class in which the claims of Species II would have to be searched, thus rendering the need for restriction moot. It is therefore submitted that since the claims assigned to Species I would inherently necessitate a search in the class in which the claims of Species II are assigned, it is submitted that restriction would be improper.

However, in the event that the Examiner remains of the opinion that restriction is proper, then Applicant elects the claims classified in Species I.

Claims 1 through 12 and 15 through 19 are drawn to a door assembly and Claims 13 and 14 are directed to a door closer.

It is to be further noted that Claims 1 through 12 and 15 through 19 are drawn to a door assembly comprising a door structure in combination with a specifically defined door closer arrangement.

Claims 13 and 14 are directed to a specific door closer which is sized and shaped for concealment within the chamber formed within the well of a door. Therefore, while the door assembly claims classified in Species I and door closer as defined in Claims 13 and 14 are separately classified, it does not necessarily require restriction when it is to be noted that the search for either the claims in Species I or Species II are inherently subject to search in each of the respective noted

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classifications. Under these circumstances, it is submitted that restriction is not necessary, since the search directed to the subject matter of the respective claims are co-extensive.

In view of the foregoing remarks, it is requested that the restriction requirement be withdrawn and that all claims be examined so as to lessen the burden on both the Office and the Applicant. However, if the restriction requirement is not subject to withdrawal for the reasons stated herein, then the Applicant, as indicated above, elects the claims classified in Species I as indicated in the Examiner's action.

Respectfully submitted,


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